

110TH CONGRESS
1ST SESSION

S. 2507

To address the digital television transition in border states.

IN THE SENATE OF THE UNITED STATES

DECEMBER 18, 2007

Mrs. HUTCHISON (for herself and Mrs. BOXER) introduced the following bill;
which was read twice and referred to the Committee on Commerce,
Science, and Transportation

A BILL

To address the digital television transition in border states.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “DTV Border Fix Act
5 of 2007”.

6 **SEC. 2. CONTINUATION OF ANALOG BROADCASTING ALONG**
7 **COMMON BORDER WITH MEXICO.**

8 Section 309(j)(14) of the Communications Act of
9 1934 (47 U.S.C. 309(j)(14)) is amended by adding at the
10 end the following:

1 “(D) CONTINUATION OF ANALOG BROAD-
2 CASTING ALONG COMMON BORDER WITH MEX-
3 ICO.—

4 “(i) IN GENERAL.—Notwithstanding
5 any other provision of this section, any tel-
6 evision station that has been granted a
7 full-power television broadcast license that
8 authorizes analog television service prior to
9 February 17, 2009, that is licensed by the
10 Commission to serve communities located
11 within 50 miles of the United States com-
12 mon border with Mexico, and that can es-
13 tablish to the satisfaction of the Commis-
14 sion that such station’s continued broad-
15 casting of television service in analog is in
16 the public interest, shall during the period
17 beginning on the date of enactment of the
18 DTV Border Fix Act of 2007, and ending
19 February 17, 2014—

20 “(I) be entitled to the renewal of
21 such station’s television broadcast li-
22 cense authorizing analog television
23 service; and

24 “(II) operate such television serv-
25 ice on a channel between 2 and 51.

1 “(ii) CONDITIONS.—The rights, privi-
2 leges, and obligations described under
3 clause (i) shall only be extended if the fol-
4 lowing requirements are satisfied:

5 “(I) Any channel used for the
6 distribution of analog television serv-
7 ice shall not—

8 “(aa) prevent the auction of
9 recovered spectrum pursuant to
10 paragraph (15);

11 “(bb) prevent the use of re-
12 covered spectrum for any public
13 safety service pursuant to section
14 337(a)(1); and

15 “(cc) encumber or interfere
16 with any channel reserved for
17 public safety use, as such chan-
18 nels are designated in ET Docket
19 No. 97–157.

20 “(II) Each station described in
21 clause (i) operates on its assigned
22 analog channel, as of February 16,
23 2009, if such channel—

24 “(aa) is between 2 and 51;

1 “(bb) has not previously
2 been assigned to such station or
3 any another station for digital
4 operation after the digital transi-
5 tion required under subparagraph
6 (A); and

7 “(cc) could be used by such
8 station for broadcasting analog
9 television service after the digital
10 transition required under sub-
11 paragraph (A) without causing
12 interference to any previously au-
13 thorized digital television sta-
14 tions.

15 “(III) If such station does not
16 meet the requirements under sub-
17 clause (II) for operation on its as-
18 signed analog channel, as of February
19 16, 2009, such station may request,
20 and the Commission shall promptly
21 act upon such request, to be assigned
22 a new channel for broadcasting analog
23 television service, provided that such
24 newly requested channel shall—

1 “(aa) be between channels 2
2 and 51; and

3 “(bb) allow such station to
4 operate on a primary basis with-
5 out causing interference to—

6 “(AA) any other analog
7 or digital television station;
8 or

9 “(BB) any station li-
10 censed to operate in any
11 other radio service that also
12 operates on channels be-
13 tween 2 and 51.

14 “(iii) MUTUALLY EXCLUSIVE APPLICA-
15 TIONS.—If mutually exclusive applications
16 are submitted for the right to use a chan-
17 nel in order to broadcast analog television
18 service pursuant to this subparagraph, the
19 Commission shall—

20 “(I) award the authority to use
21 such channel for such purpose
22 through the application of the proce-
23 dures established under this section;
24 and

1 “(II) give due consideration to
2 any resolution procedures established
3 by the Commission.”.

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